

The Ralph M. Brown Act

Bullet Points Outlining Actions of Board Members and Agenda and Meeting Requirements

The Brown Act (California Government Code sections 54950-54963) requires that all meetings of the City Council, Boards, Commissions, and other legislative bodies be open and public, except under certain limited circumstances. The Brown Act was established to ensure government entities conduct business in a manner that is open to the public.

The following are the general components of the Brown Act that are applicable to the City's Council, Boards and Commissions:

- Board meetings must be noticed and open to the public.
- There generally may be no action or discussion by Board Members on any item not appearing on the posted agenda. Board Members may only briefly respond to statements made or questions posed about items not on the agenda; they may request that the topic be agendaized for a future meeting.
- The definition of "meeting" includes any action among a majority of the Board Members to hear, discuss, or deliberate upon an item that is within the subject matter jurisdiction of the Board. The Brown Act specifically prohibits the use of any series of communications of any kind (e.g., telephone, fax or e-mail) directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the Board's subject matter jurisdiction.
- A Board majority may, however, attend the following gatherings without following the notice and other rules pertaining to regular meetings (provided City business is not discussed): (1) meetings or conferences on general issues that are not City specific; (2) meetings organized by others to address topic(s) of local community concern; and (3) social or ceremonial functions.
- It was once thought that in order for a "meeting" to occur which was subject to the Brown Act, "action" had to be taken at that meeting. It is now clear, however, that a meeting under the Brown Act includes not only action but also deliberations and even general discussion.
- Regular and Special Meeting agendas must include opportunities for public input. A public comment period is allowed at the beginning portion of the meeting when members of the public may speak to any relevant topic, regardless of whether that issue is on the agenda for that meeting. Again, Board Members may only briefly respond to statements made or questions posed about items not on the agenda, and then request that the topic be agendaized for a future meeting. The public is also allowed to speak to each item on the agenda as it is being discussed in the meeting. Public testimony in both portions of the meeting is limited, typically to three minutes.
- Although the City encourages individuals testifying before City Boards and Commissions and the City Council to identify themselves to facilitate staff follow-up where needed, the Brown Act makes clear that the Board may not require that disclosure or require any other information.
- Any person attending an open and public meeting of a Board has the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless it constitutes a persistent disruption of the proceedings.
- The Board may not prohibit public criticism of the policies, procedures, programs, or services of the Board or of the acts or omissions of the Board.
- A Board meeting may not be conducted in a facility inaccessible to handicapped individuals.
- Board Members subject to the provisions of the Brown Act are in violation of the law, and subject to criminal penalties, if they knowingly discuss or take action at a meeting held in violation of the Act.

In addition to the above provisions, the Brown Act includes rules for proper noticing of various types of public meetings, regulations relating to the conduct of closed sessions, and penalties for the conduct of an unlawful meeting. The Brown Act is complex. Questions concerning the Act should be directed to the Attorney assigned to the Board.